

# EXHIBIT 32

1 TRANSCRIPT OF PROCEEDINGS  
2 THE VIDEOGRAPHER: We're now on the  
3 record. My name is Doug vanderHoof. I'm the  
4 videographer for Lexitas. This is a video  
5 deposition for the U.S. District Court for the  
6 Eastern District of Wisconsin, Green Bay Division.  
7 Today's date is September 25, 2018, and  
8 the time on the video screen is 7:57. We're at the  
9 Manitowoc Holiday Inn for a matter in the EEOC  
10 versus Wal-Mart, Case Number 1:17-cv-00070. The  
11 deponent is Barbara Barnes.  
12 Will counsel please identify themselves  
13 and say who you're here to represent, please.  
14 MR. HARLAN: Emery Harlan on behalf of  
15 Defendant Wal-Mart.  
16 MS. CARTER: I'm Leslie Carter on behalf  
17 of the Equal Employment Opportunity Commission.  
18 THE VIDEOGRAPHER: Thank you. And the  
19 court reporter is Kara Shawhan. Will you please  
20 swear the witness.  
21 BARBARA BARNES, called as a witness  
22 herein, having been first duly sworn on oath, was  
23 examined and testified as follows:  
24 MR. HARLAN: Okay. And just for the  
25 record, Joann Stevenson is also here present for

1 the deposition.  
2 Just a preliminary matter. We had talked  
3 about making sure we get e-mails or documents that  
4 we had put in that subpoena. Do we have anything?  
5 MS. CARTER: No.  
6 MR. HARLAN: Okay. So you don't have any  
7 things to produce at the deposition?  
8 MS. CARTER: No.  
9 MS. VANCE: Correct.  
10 MR. HARLAN: Okay.  
11 MS. VANCE: And it's Amy Jo.  
12 MR. HARLAN: Oh. Did I say Joann? I'm  
13 sorry. Amy Jo. It's been a long day already.  
14 EXAMINATION  
15 BY MR. HARLAN:  
16 Q. So good morning, Ms. Barnes. How are you?  
17 A. Good.  
18 Q. Did you get a good night's sleep?  
19 A. Yeah.  
20 Q. Are you excited to be here today? Not really, huh?  
21 A. Not really. No.  
22 Q. I'm going to try to make it as painless as  
23 possible. I mean, I don't think you have a huge  
24 role in this, but part of my job in representing  
25 Wal-Mart is just to talk to you today and see what

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1 information you have, and it's perfectly fine for  
2 you to say, you know, you don't know something if  
3 you don't know anything.  
4 A. Right.  
5 Q. All right? So you never worked at Wal-Mart. Did  
6 you?  
7 A. No.  
8 Q. So I suspect you won't necessarily know a lot of  
9 the details about policies and that sort of thing.  
10 And if that's the case, then it's perfectly  
11 acceptable for you to say that. Okay?  
12 A. Okay.  
13 Q. So at the start, the reporter administered the oath  
14 to you, and do you understand that in response to  
15 the questions I'm going to ask you, your obligation  
16 is to tell the truth?  
17 A. (Witness nods head.)  
18 Q. You understand that?  
19 A. Yes.  
20 Q. Okay. And just to kind of give you some ground  
21 rules, even though you are on video, we're typing  
22 down what you say. So if you could try to say  
23 "yes" or "no" or give verbal responses as opposed  
24 to nodding your head or going "um-hum." Is that  
25 fair?

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1 A. That's fair.  
2 Q. Okay. All right. I'm going to do everything in my  
3 power to be respectful and courteous to you  
4 throughout the deposition. If you think I have  
5 conducted myself in an improper manner, I want you  
6 to make that known to me, and I will try to adjust  
7 how I address you in the deposition. Is that okay?  
8 A. Yes.  
9 Q. Okay. Do you have any questions for me?  
10 A. No.  
11 Q. Okay. If you need to take a break, let us know.  
12 We're going to have to take breaks anyway because  
13 we'll get to a point where the DVD will need to be  
14 changed, and so we'll have some natural breaks, but  
15 even if we don't get to a point where we have to  
16 change the disk, just let us know, and we'll take a  
17 break. Okay?  
18 A. Okay.  
19 Q. All right. So why don't we just kind of talk about  
20 who you are. You grew up in Manitowoc?  
21 A. Yes, I did.  
22 Q. Your whole life?  
23 A. Yeah.  
24 Q. You never lived anywhere else?  
25 A. No.

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1 Q. Okay. You like Manitowoc?  
2 A. I love Manitowoc.  
3 Q. You love Manitowoc.  
4 A. Yeah.  
5 Q. What are some of the things you like about  
6 Manitowoc?  
7 A. Well, the restaurants. Eating -- You know, eating  
8 out, the bowling alley, going bowling. Doing  
9 shopping and that, going grocery shopping and doing  
10 -- just doing things around Manitowoc and that, you  
11 know.  
12 Q. And given that you grew up here your whole life, I  
13 take it you know a lot of people in Manitowoc?  
14 A. I know most of them, yeah.  
15 Q. Okay. You know which ones to stay away from. So  
16 you mentioned some restaurants. What are some of  
17 the restaurants that you like here in Manitowoc?  
18 A. Perkins.  
19 Q. That's right over here. Right?  
20 A. Yeah. Culver's. McDonald's, Applebee's. Subway.  
21 Q. Subway?  
22 A. Yeah.  
23 Q. Okay. Do you go to the -- There's a Subway in  
24 Wal-Mart.  
25 A. Yeah. We go eat there sometimes. We eat there.

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1 Q. Okay.  
2 A. And Dairy Queen.  
3 Q. DQ.  
4 A. Yeah.  
5 Q. Okay.  
6 A. Sometimes we just eat at home sometimes.  
7 Q. Okay.  
8 A. We just get something from Piggly Wiggly, and we  
9 take it home and eat it at home.  
10 Q. Okay. So where do you live right now?  
11 A. On North 8th Street over near -- not by Parkview  
12 Haven but on the other side where the fire station  
13 is, a big brick building behind the dentist's  
14 office there, and we live there.  
15 Q. Okay. It's an apartment building?  
16 A. Yeah.  
17 Q. And when you say "we," I take it it's you and  
18 Marlo?  
19 A. Yeah. Marlo and I share an apartment.  
20 Q. Okay. And who is the neater of the two, you or  
21 Marlo?  
22 A. We both help each other out.  
23 Q. Okay. So you're both equally neat?  
24 A. Yeah. We both do the cooking and that.  
25 Q. Okay.

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1 A. Yeah.  
2 Q. Did she like your biological mother? Did she get  
3 along with your biological mother?  
4 A. Yeah.  
5 Q. Did your mother passing away affect Marlo in any  
6 way from what you could see? Was she sad?  
7 A. I couldn't tell.  
8 Q. Did she go to the funeral?  
9 A. I don't even remember.  
10 Q. Okay. And how about when your dad passed away?  
11 Was your dad someone that Marlo was close to?  
12 A. Yes.  
13 Q. Did they do things together before he died?  
14 A. Yeah. We went to Las Vegas together.  
15 Q. And do things around Manitowoc together?  
16 A. Yeah. We went to their house and watched the  
17 Packer games and that.  
18 Q. And am I correct that prior to his death, Marlo was  
19 living in his house?  
20 A. Marlo was living with me at the time.  
21 Q. Okay. Did she ever live with him?  
22 A. At the time when he died she was living with me at  
23 the time.  
24 Q. But at some point when he was married to Marlo's  
25 biological mother, am I correct that Marlo lived in

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1 their house?  
2 A. She lived with them for a while before she -- they  
3 found the apartment with me then.  
4 Q. And so when your biological father passed away,  
5 that was in 2014?  
6 A. Yes.  
7 Q. Did that make Marlo sad?  
8 A. Yes.  
9 Q. Did you see her cry?  
10 A. Yes.  
11 Q. Okay. And I take it you remember when Marlo's  
12 biological mother passed away.  
13 A. Yes.  
14 Q. And that also made Marlo sad.  
15 A. Yes.  
16 Q. Did you see her cry?  
17 A. Yes.  
18 Q. Do you hear her from time to time talk about her  
19 mother and missing her mother?  
20 A. Yes.  
21 Q. To this day?  
22 A. Yes.  
23 Q. And the same thing about your father. You hear her  
24 from time to time mention missing your father?  
25 A. Yes.

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1 Q. When you worked at Taco Bell, how would you get to  
2 work?  
3 A. I took the bus.  
4 Q. Did you and Marlo take the bus together?  
5 A. No. I took the bus -- I took -- I went in earlier.  
6 Q. Okay. Was it the same bus route? If you know.  
7 A. Yes.  
8 Q. Okay. And did you have to transfer buses to get to  
9 your job?  
10 A. No.  
11 Q. How long was it from door to door? Like how long  
12 did it take you to get from your apartment to Taco  
13 Bell?  
14 A. Let's see. If I took the bus before -- caught the  
15 bus at quarter to nine, I would be -- Like quarter  
16 after nine or nine, I'd be over there by that time.  
17 I'd be over there -- By 9:15, I'd be over to Taco  
18 Bell by that time.  
19 Q. Do you know how long it would take for Marlo, say  
20 within the last several years of the time she  
21 worked at Wal-Mart, how long it would take for her  
22 to get from her apartment to Wal-Mart where she  
23 worked?  
24 A. Well, about the same time. So -- Say she started  
25 at -- If she would have started at noon, she would

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1 have to leave -- She'd leave like sometimes after  
2 10, like 20 after 10 she'd catch the bus from my  
3 apartment, and then she'd head over to Wal-Mart.  
4 She'd get there by after -- It would be after 11 or  
5 so.  
6 Q. And to catch the bus, how far was the stop for  
7 Marlo from your apartment?  
8 A. Right across the street.  
9 Q. Okay. And is that also the place where she would  
10 get dropped off coming home?  
11 A. Yes.  
12 Q. And I assume taking the bus was the way Marlo got  
13 to work?  
14 A. Yes.  
15 Q. Did she ever get to work any other kind of way?  
16 A. No. Just taking the bus.  
17 Q. Did she ever have any concerns or express any  
18 concerns to you about taking the bus to work?  
19 A. No.  
20 Q. Even in the wintertime?  
21 A. She didn't like going outside when it was icy out  
22 or something, but she would take her time walking  
23 out there.  
24 Q. Are you familiar with something called the Wellness  
25 Center?

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1 A. I don't remember if I talked to her about it or  
2 not.  
3 Q. Okay. So with respect to schedules, did Marlo come  
4 home with a schedule?  
5 MS. CARTER: On -- Can you narrow the  
6 time frame?  
7 BY MR. HARLAN:  
8 Q. At any point do you recall Marlo coming home with a  
9 work schedule that set forth the shift that she was  
10 supposed to be working?  
11 A. I don't know. I don't think I ever saw her with a  
12 schedule. If she had a schedule, she didn't show  
13 -- she didn't -- she never showed me what it was.  
14 Q. So she didn't come home with a schedule and put it  
15 on the refrigerator or anything like that.  
16 A. No.  
17 Q. So tell me to the extent you can remember how you  
18 found out that her schedule had changed from 12 to  
19 4 to something else.  
20 A. She had told me when she came home.  
21 Q. And tell me to the best of your recollection what  
22 she said.  
23 A. They wanted her to stay long -- later. She wanted  
24 to leave at 4 so she could catch the bus, and Karen  
25 had told her that she could leave, and Robin and

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1 Debbie told her she had to stay later because they  
2 thought she didn't have all her work done, and she  
3 said she had nothing else to do at the time. She  
4 was just standing around and doing nothing, and  
5 Karen had told her to leave, and she said the other  
6 two told her she had to stay there.  
7 Q. So it sounds like what you're recounting is a  
8 particular day. They didn't certainly tell her  
9 that every day. Did they? Was this a one-time  
10 situation?  
11 A. This is once her hours got changed. This was like  
12 -- I don't even remember what hours she worked --  
13 what days of the week she worked.  
14 Q. I understand. But I'm just asking you to clarify.  
15 You said that Marlo told you that Karen said she  
16 could leave, and Robin and Debbie said she needed  
17 to stay. Was that a one-time --  
18 A. No. This was every day, like.  
19 Q. So your recollection is that Marlo told you  
20 -- Strike that. Once her schedule changed, your  
21 recollection is that Marlo would come home and tell  
22 you each day that Karen said she could leave early,  
23 but Robin and Debbie said she needed to stay.  
24 A. Yeah. They wanted her to stay longer. She wanted  
25 to get home earlier because of the bus.

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1 Q. Do you recall when she first came home and told you  
2 this?  
3 A. No, I don't.  
4 Q. Was it several years before she left Wal-Mart?  
5 A. This was before she left Wal-Mart. Yeah.  
6 Q. Was it several years before she left Wal-Mart?  
7 A. This was just before she left Wal-Mart.  
8 Q. Okay. And when she would come home every day  
9 during this period and tell you that Karen said she  
10 could leave early but Robin and Debbie said she  
11 needed to stay, what did you say, if anything, in  
12 response?  
13 A. I don't even remember what I said that --  
14 Q. What did you think about what she had told you?  
15 A. She was upset that they changed her hours, but --  
16 Q. And what did you think about the fact that they  
17 changed her hours?  
18 A. Well, I wasn't happy.  
19 Q. And why were you not happy?  
20 A. Because I was the one that was making the supper  
21 that night.  
22 Q. You said "that night."  
23 A. I made supper mostly every night when she was  
24 working. When she came home late, I'd have to wait  
25 a while to make supper so I wouldn't get -- so it

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1 wouldn't get burned on the stove or something  
2 before she got home. Some nights she would be home  
3 after 6 when she first got home, and she would be  
4 home at a -- I would say, "Why are you late?" And  
5 she would say, "Oh, they made me work late again."  
6 She said, "Debbie and Julie -- Debbie and Robin  
7 told me I couldn't go home until I got my stuff  
8 done." And she said Karen told her she could  
9 leave, and the other two wanted her to stay later  
10 because they thought she needed to get her stuff at  
11 work done.  
12 Q. And I think you testified you were upset because if  
13 -- her working later impacted when dinner would be  
14 done.  
15 A. Yes.  
16 Q. And did you share that with Marlo -- that you  
17 didn't like the fact that she was having to work  
18 late?  
19 A. I talked to her about it.  
20 Q. Tell me what you recall saying to her about that  
21 subject.  
22 A. I said, "Why are you home late?" And she said --  
23 She would get upset. She said -- She'd say, "Well,  
24 Debbie and -- Karen told me I could go home and  
25 there was nothing to do." She was -- got all her